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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Lee Begeja

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26652

7590

03/13/2009

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EXAMINER

HOSSAIN, FARZANA E

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/034,679	Applicant(s) BEGEJA ET AL.	
	Examiner FARZANA E. HOSSAIN	Art Unit 2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01/29/2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6 and 9-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-4,6 and 9-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07/29/02 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/21/2009</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/29/2009 has been entered.

Response to Amendment

2. This office action is in response to communications filed 01/29/2009. Claims 1-4 and 9-20 are amended. Claim 6 is original. Claims 5, 7, 8 and 21-51 are cancelled.

Response to Arguments

3. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Regarding Claim 1, the applicant argues the appellant is searching multimedia assets to thereby identify a subset of the multimedia assets, therefore, based on the

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specification that paragraph 0038 that states the multimedia asses including video, associated text captions, corresponding audio portions and individual shots or frames.

Bergen discloses multimedia asses including video, associated text captions, corresponding audio portions (Column 15, lines 66-67, Column 16, lines 1-6) and wherein the segments comprise at least one video segment and at least one of audio segments, still image segments and text segments (Column 15, lines 66-67, Column 16, lines 1-6). Menard discloses that the multimedia assets comprise at least one video asset and at least one of audio assets, still-image assets, and text assets (Page 3, lines 26-28, Page 6, lines 18-20). See new rejection for remaining limitations.

Claim Rejections - 35 USC § 101

4. Claims 1-4, 6 and 9-20 are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. While the claims recite a series of steps or acts to be performed, a statutory “process” under 35 U.S.C. 101 must (1) be tied to another statutory category (such as a particular apparatus), or (2) transform underlying subject matter (such as an article or material) to a different state or thing. The instant claims neither transform underlying subject matter nor positively tie to another statutory category that accomplishes the claimed method steps, and therefore do not qualify as a statutory process.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3, 6, 16, 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bergen et al (US 6,956,573 and hereafter referred to as "Bergen") in view of Menard et al (WO 98/07103 and hereafter referred to as "Menard") and Sezan et al (US 2004/0261095 and hereafter referred to as "Sezan").

Regarding Claim 1, Bergen discloses a method for delivering a customized multimedia presentation to a user (Figure 8, 870), the method comprising the steps of:

searching, based on a user search criterion or keywords (Figure 8, 805, 810, Column 10, lines 37-40), multimedia assets to identify the subset of the multimedia assets containing portions corresponding to the user criterion or identifying segments of the video corresponding to the user search (Figure 1, 125, Column 3, lines 54-56, Column 4, lines 12-21), wherein the multimedia assets comprise at least one video asset and at least one of audio assets, still-image assets, and text assets (Column 15, lines 66-67, Column 16, lines 1-6);

calculating or determining segments of the multimedia (Figure 1, 130, Figure 8, 850, Column 14, lines 10-17, 58-67, Column 15, lines 1-6), wherein the segments

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comprise at least one video segment and at least one of audio segments, still image segments and text segments (Column 15, lines 66-67, Column 16, lines 1-6);

comparing the segments based at least in part on the user criterion (Column 15, lines 66-67, Column 16, lines 1-6);

selecting at least one segment (Column 15, lines 66-67, Column 16, lines 1-6);

combining the selected at least one segments into a customized multimedia presentation (Column 10, lines 31-53, Figure 8, 870, Column 15, lines 28-36, Column 16, lines 36-67, Column 17, lines 1-7). Webster's II New College Dictionary defines relevant as related to the matter at hand. Webster's II New College Dictionary defines calculate as to make suitable for a purpose. Webster's II New College Dictionary defines periodic (periodically) as taking place now or then. Bergen is silent on the segments comprising corresponding portions and portions adjacent to the corresponding portions are relevant to the corresponding portions and the user criterion; periodically notifying the user that the customized video presentation is available for access from a remote location.

Menard discloses that the multimedia assets comprise at least one video asset and at least one of audio assets, still-image assets, and text assets (Page 3, lines 26-28, Page 6, lines 18-20); a search engine determines a match for a segment in a video to a search initiated by a user (Figure 2, 21, Page 6, lines 5-13) and that the segment of the video has corresponding portions and portions adjacent to the corresponding portions or previous and following sections of a segment in a video, where the adjacent portions are relevant to the corresponding portions and the user criterion or search

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(Page 6, lines 5-24, Page 7, lines 16-28); and periodically notifying the user that the customized video presentation is available for access from a remote location (Page 6, lines 5-24, Page 7, lines 16-28). Therefore, it would have been obvious to one of ordinary skill in the art to modify Bergen to include the segment of the video has corresponding portions and portions adjacent to the corresponding portions, where the adjacent portions are relevant to the corresponding portions and the user criterion or search (Page 4, lines 9-20, Page 5, lines 5-9, Page 6, lines 5-24, Page 7, lines 16-28); and periodically notifying the user that the customized video presentation is available for access from a remote location (Page 6, lines 5-24, Page 7, lines 16-28) as taught by Menard in order to for the viewer to receive all relevant segments applicable to the user criterion or search.

Bergen and Menard are silent on selecting at least one segment based at least in part on a communication link to the user. In analogous art, Sezan discloses searching based on user criterion multimedia assets (Page 20-21, paragraphs 0215-0216); selecting at least one segment based at least in part on a communication link to the user (Pages 20-21, paragraphs 0215-0216). Therefore, it would have been obvious to one of ordinary skill in the art to modify combination to include selecting at least one segment based at least in part on a communication link to the user (Pages 20-21, paragraphs 0215-0216) as taught by Sezan in order to make sure that a user can get a longer highlight if the user has a high bandwidth connection (Pages 20-21, paragraphs 0215-0216).

Furthermore, in *KSR International Co. Teleflex Inc.*, 82 USPQ2d 1385 (2007), the Court found that if all the claimed elements are known in the prior art then one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yield predictable results to one of ordinary skill in the art at the time of the invention.

Regarding Claim 2, Bergen, Menard and Sezan disclose all the limitations of Claim 1. Bergen discloses requesting via a keyword search or query (Figure 8, 805) to the access engine which searches the database storing the video segments of a video signal (Figure 8, 820). Sezan discloses designating pointers that identify the beginning and end portions of the at least one video segment with the particular query (Pages 20-21, paragraphs 0215-0216).

Regarding Claim 3, Bergen, Menard and Sezan disclose all the limitations of Claim 2. Sezan disclose providing a customized multimedia presentation to available to the user (Pages 20-21, paragraphs 0215-0216) comprises the step of designating pointers that identify the beginning and end potions of the segments with the particular query (Pages 20-21, paragraphs 0215-0216).

Regarding Claim 6, Bergen, Menard and Sezan disclose all the limitations of Claim 1. Bergen discloses the user criterion includes search terms or keywords input by the user (Column 10, lines 1-3).

Regarding Claim 16, Bergen, Menard and Sezan disclose all the limitations of Claim 1. Menard discloses the video segment or segments are downloaded to the user's personal computer (Page 4, lines 9-12, 29-30, Page 5, lines 1-2).

Regarding Claims 18, Bergen, Menard and Sezan disclose all the limitations of Claim 1 respectively. Bergen discloses that the customized multimedia presentation is a customized video presentation is delivered to the user's television via set top terminal and the customized video presentation is displayed on a television (Column 21, lines 30-33).

Regarding Claim 19, Bergen, Menard and Sezan disclose all the limitations of Claim 1. Menard discloses that the searching is performed on a plurality of multimedia assets of different program sources (Figure 1, 1, 2, 3).

Regarding Claim 20, Bergen, Menard and Sezan disclose all the limitations of Claim 1. Bergen discloses the video asset is a video signal or video stream (Figure 1, S1).

7. Claims 4 and 10-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bergen in view of Menard and Sezan as applied to claims 3 and 1 above, and further in view of Maybury et al (US 6,961,954 and hereafter referred to as "Maybury").

Regarding Claim 4, Bergen, Menard and Sezan disclose all the limitations of Claim 3. Bergen and Menard are silent on a video clip or segment corresponding to the clip pointer is streamed to the user upon selection. Maybury discloses that a video clip or segment corresponding to the clip pointer is streamed to the user upon selection (Column 17, lines 16-19). Therefore, it would have been obvious to one of ordinary skill in the art to modify the combination to include a video clip or segment corresponding to the clip pointer is streamed to the user upon selection (Column 17, lines 16-19) as

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taught by Maybury in order to for the user to receive the video presentation as quickly as possible.

Regarding Claim 10, Bergen, Menard and Sezan disclose all the limitations of Claim 1. Bergen and Menard are silent on the user having the ability to negotiate among and between segments. Maybury discloses a system that receives video segments (Figure 1, 170). Maybury discloses that the viewer has a graphical user interface providing a plurality of scenes or segments that a user can select or negotiate among and between segments (Figure 17, Figure 18, Figure 19). Therefore, it would have been obvious to one of ordinary skill in the art to modify the combination to include a plurality of scenes or segments that a user can select or negotiate among and between segments (Figure 17, Figure 18, Figure 19) as taught by Maybury in order to perform searching of video using popular browsing tools to enable more timely and efficient communication and storage of multimedia data (Column 2, lines 42-54) as disclosed by Maybury.

Regarding Claim 11, Bergen, Menard, Sezan and Maybury disclose all the limitations of Claim 10. Maybury discloses that the searching of the at least one video based on text is text corresponding to the audio or speech in the at least one video asset (Figure 1, 117).

Regarding Claim 12, Bergen, Menard and Maybury disclose all the limitations of Claim 11. Menard disclose that the text is closed captioning text associated with the at least one video asset (Page 3, lines 17-25). Bergen discloses the closed captioning text associated with scene audio content (Column 15, lines 66-67).

Regarding Claim 13, Bergen, Menard and Maybury disclose all the limitations of Claim 11. Bergen discloses that the calculating of segments of the multimedia assets comprises the step of calculating segment at least one video asset is based on text (Column 4, lines 43-50, Column 10, lines 35-51, Figure 8, 805, Column 15, lines 1-3).

Regarding Claim 14, Bergen, Menard and Maybury disclose all the limitations of Claim 11. Bergen discloses that segment or the length of a segment is determined by the attributes in a particular segment such as geographic location, camera angle, particular scenes, textual descriptions, which reads on multimodal story segmentation algorithms (Column 10, lines 6-52).

Regarding Claim 15, Bergen, Menard and Sezan disclose all the limitations of Claim 1. Bergen discloses that the customized video presentation (Column 10, lines 31-53, Column 15, lines 15, lines 58-67, Column 15, lines 1-6, Figure 8, 870) is delivered to the user over a network (Figure 1, 160). Bergen and Menard are silent on the streaming of the presentation. Maybury discloses a user selecting a video clip or segment and the streaming of the video to the user (Column 17, lines 16-19).

Therefore, it would have been obvious to one of ordinary skill in the art to modify the combination to include user selecting a video clip or segment and the streaming of the video to the user (Column 17, lines 16-19) as taught by Maybury in order to for the user to receive the video presentation as quickly as possible.

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8. Claims 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bergen in view of Menard and Sezan as applied to claim 1 above respectively, and further in view of Goodman et al (US 2002/0152477 and hereafter referred to as "Goodman").

Regarding Claim 9, Bergen, Menard and Sezan disclose all the limitations of Claim 1. Bergen discloses that the customized program is assembled or becomes available and then delivered to the user (Figure 8, 870). Bergen, Menard and Sezan are silent on the predetermined program schedule. Goodman discloses a system for transmitting programs to the user (Figure 1, Figure 2). Goodman discloses programs are delivered in a carousel or cyclic manner or repeated manner or periodically or at a predetermined schedule via modules to the user (Page 1, paragraph 0009, Page 2, paragraph 0021, Page 4, paragraph 0037). Merriam-Webster's Collegiate Dictionary 10th edition defines periodic as occurring or recurring at regular intervals. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include programs are delivered in a carousel or cyclic manner periodically or at a predetermined schedule via modules to the user (Page 1, paragraph 0009, Page 2, paragraph 0021, Page 4, paragraph 0037) as taught by Goodman in order to conserve memory at the set top box (Page 1, paragraph 0008) as disclosed by Goodman.

9. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bergen in view of Menard and Sezan as applied to claim 1 above respectively, and further in view of Freeman et al (US 2001/0013123 and hereafter referred to as "Freeman").

Regarding Claim 17, Bergen, Menard and Sezan disclose all the limitations of Claim 1. Bergen, Menard and Sezan are silent on advertisement interlaced between the segments. Freeman discloses a system that provides customized program to the user based on user preferences of user profiles (Page 3, paragraphs 0027-0030). Freeman discloses that advertisements could be interspersed between program segments of the customized program (Page 2, paragraph 0016, Page 4, paragraph 0034). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include advertisements could be interspersed between program segments of the customized program (Page 2, paragraph 0016, Page 4, paragraph 0034) as taught by Freeman in order to order to provide users with program in which he or she is interested (Page 1, paragraph 0008) as disclosed by Freeman.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FARZANA E. HOSSAIN whose telephone number is (571)272-5943. The examiner can normally be reached on Monday 7:30 am to 2:30 pm, Tuesday, Thursday and Friday 7:30 am to 4:30 pm and Wednesday 7:30 am to 12:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on 571-272-7331. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris Kelley/
Supervisory Patent Examiner, Art
Unit 2424

FEH
March 7, 2009